1938 **File No. 2/46/36**

Public Works

[illegible] **DEPARTMENT**

m **BRANCH**

Subject:— Indian Electricity Act, 1910

Security to be given under clause VI (1)

of the schedule to —

Interpretation of — —

P-4
(E)

A [K] 1938

IV

File No. 2/46/36 m

Ed. Scott. Slip. 24 A.

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 2146/36

P. W. DEPT.

M. BRANCH.

References :—

Date.	To whom sent.	Notes and instructions.

OFFICE OF
THE ELECTRICAL ENGINEER TO GOVERNMENT,
P.W.D. OFFICES, CHURCHGATE STREET.

Bombay, 12th January 1938.

In reply please quote without fail No. G. 2 a/2870 of 1938.

From

THE ELECTRICAL ENGINEER TO GOVERNMENT,
Public Works Department,
BOMBAY.

To

The Secretary to Government,

P. W. D., Bombay.

Subject:- Security to be given under Clause VI (b) of the Schedules to the I.E. Act 1910.

Sir,

According to the first proviso (a) to Clause VI (1) of the Schedule to the I.E. Act 1910 a licensee is not bound to comply with any requisition made by an owner or occupier of any premises unless and until the latter fulfils certain conditions and gives security, whereas the second proviso (a) entitles the licensee to discontinue the supply if the owner or occupier of the property to which the supply is made has not already given security and such owner or occupier fails to furnish security within 7 days after the service upon him of notice from the licensee requiring him so to do. As no time is specified in the second proviso within which the licensee should ask for security, not already given or insisted on before the supply was first made, I have the honour to request that the opinion of the Remembrancer of Legal Affairs may please be obtained as to whether the second proviso (a) is dependent on the first one or otherwise and whether a licensee who does not obtain security from a consumer when giving a supply intially can demand the same at any time, at a later date.

I have the honour to be,
Sir,
You most obedient servant,

Sd/-
Electrical Engineer to Go
Id/-

2146/36
1242

M.
(L.R.B.) Submitted.

2. The R. L. A. may be requested u.o. to advise on the points raised by the El. Engr. to Govt. in his letter within.

Id/-
20/1/38

Id/-
20/1

D.S.

u.o.to R. L. A. dt 21/1/38.

Issue.
20/1

The question for consideration of the R.L.A. is whether a licensee who does not ask for or insist upon a security before the supply was first made can demand it at any time later on under the second proviso (a) to clause VI(1) of the Schedule to the Indian Electricity Act 1910.

2. Clause (a) of the the first proviso provides that the licensee shall not be bound to comply with any such requisition unless and until the person making it, within fourteen days after the service on him by the licensee a written contract, in a form approved by the Local Goverment, duly executed and with sufficient security, binding him to take a suplly of energy for not less than two years to such amount as will produce, at current rates charged by the licensee, a reasonable return to the licensee. It is clear that this clause gives an option to the licensee whether or not to ask for an agreement with a security from the owner or occupier and it is open to him to supply energy without insisting on the agreement and the security or either of them. Clause (a) to the second proviso provides that the licensee shall be entitled to discontinue such supply if (i) the owner or occupier of the property to which the supply is made has not <u>already</u> given security, or (ii) if any security given by him has become invalid or insufficient, <u>and</u> such owner or occupier fails to furnish security or to make up the original security to a sufficient amount, as the case may be, within seven days after the service upon him of notice from the licensee requiring him so to do. The word "already" evidently contemplates that a security has not been furnished previously. This clause, therefore,

/es power to the licensee to discontinue the supply if security has not been previously furnished and if the owner or occupier fails to furnish security within 7 days after service upon him of a notice from the licensee. It is therefore, clear that it is open to the licensee to ask for security at any time even though he did not demand it before giving the supply.

Sd/- 9/2
Remembrancer of Legal Affairs.

U.R. to P.W.D., No. 1330 , Dated 10th February 1938.

M.B. P.W.Deptt.

Submitted.

2. The El. Engr. to Govt. may see u.o. the above opinion of the R. L. A. with rf. to his letter on P.1 ante.

Id/-
11-2-38.

Id/-
12/2

D.S.
u.o. to El. Engr. to Govt. dt. 14/2/38.

19-5-56

R.K.19-5-56.